

ORDINANCE NO. 99-41-CM

AN ORDINANCE AMENDING CHAPTERS 1, 3 and 4

OF ORDINANCE NO. 97-51-CM

BEING THE UNIFIED ZONING ORDINANCE

OF TIPPECANOE COUNTY.

Be it ordained by the County Commissioners of Tippecanoe County, Indiana, that Ordinance No. **97-51-CM**, being the Unified Zoning Ordinance of Tippecanoe County is hereby amended as follows:

Section 1: Change **3-2-8**, RETAIL TRADE, of **3-2**, PERMITTED USE TABLE, of **CHAPTER 3**, PERMITTED USE TABLE, by:

1. marking SIC 526, **Retail nurseries, lawn and garden supply stores**, with footnote number 54; and
2. adding a 54th footnote to the list at the end of the Table, to read:

54 No *business* engaged solely or primarily in the sale of mulches, soil, soil conditioners, landscape rock, or fertilizers is permitted in NB and GB *zones*.

Section 2: Change **3-2-10**, SERVICES, of **3-2**, PERMITTED USE TABLE, of **CHAPTER 3**, PERMITTED USE TABLE, by deleting Special Condition 4-11-1 from SIC 702, **Rooming or boarding houses**.

Section 3: Change **4-6-14-a**, SETBACKS FOR AUTO PARKING, of **4-6**, PARKING AND LOADING REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS to read:

Except in 4-6-14-b through 4-6-14-d below, required parking is not permitted in the *front setback* of any residential *use*, or any *residential zone*. Optional parking is also not permitted in the *front setback* or any residential *use*, except in driveways and turnarounds.

Section 4: Change **4-6-15**, AUTO PARKING SPACE AND PARKING AREA DESIGN STANDARDS, of **4-6**, PARKING AND LOADING REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, by:

1. revising **4-6-15-h-2** to read: The outdoor *parking area* associated with a *multi-family dwelling* shall be illuminated from 30 minutes after sunset until 30 minutes before sunrise.;
2. revising **4-6-15-h-3** to read: If open after sunset, the outdoor *parking area* associated with any other *use* shall be illuminated from 30 minutes after sunset until 30 minutes after closing, or until 30 minutes before sunrise if the *use* operates all night.; and
3. deleting **4-6-14-h-4**, both text and table.

Section 5: Change **4-6-18**, OFF-STREET LOADING, of **4-6**, PARKING AND LOADING REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, by revising **4-6-18-j** to read:

Except when located at a *loading berth*, semi-trailers, with or without wheels, or other containers, shall not be parked at retail establishments in *commercial zones*, unless they are attached to semi-tractors.

Section 6: Change 4-8-8, PERMITTED SIGN CHARACTERISTICS BY ZONE, of **4-8**, SIGNS, OF **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, by replacing the designation "P" (only allowed with sign permit) for *animated signs* in CBW zones with "N" (not allowed).

Section 7: Change **4-8-10**, OUTDOOR ADVERTISING SIGNS, of **4-8**, SIGNS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, by revising **4-8-10-d**, to read:

Outdoor advertising signs shall be erected no closer than 25' from the edge of any *street's right-of-way*, measured to the leading edge of the *sign*. They shall have a maximum height of 25'. However, for each foot of *setback* beyond 25', *sign* height may be

increased an additional foot, up to but no higher than 50'. Should an *outdoor advertising sign* adjoin 2 or more *rights-of-way*, the shortest of the multiple *setbacks* shall determine the billboard's maximum height.

Section 8: Change **4-9-2**, BUFFERYARD REQUIREMENTS, of **4-9**, BUFFERYARDS AND OTHER BUFFERING REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, by revising **4-9-2-a** to read:

Bufferyards shall only be required for:

- (1) new *development* of land; or
- (2) redevelopment of land except where the continued use of existing *buildings* and/or *parking areas* would occupy the space otherwise reserved for the *bufferyard*.

Where a complete *bufferyard* is already in place on an adjoining property, no additional *bufferyard* need be provided by the developer or redeveloper of the second property."

Section 9: Change **4-9-5**, RESPONSIBILITY FOR BUFFERYARDS, of **4-9**, BUFFERYARDS AND OTHER BUFFERING REQUIREMENTS, of **CHAPTER 4**, ADDITIONAL USE RESTRICTIONS, to read:

- (a) Where a proposed *use* abuts an unimproved property and a *bufferyard* is required because of a zoning boundary, the property owner of the proposed *use* need not provide more than half the *bufferyard* width and *standard plant units* required in 4-9-3 above.
- (b) Where a proposed *use* abuts an improved property and a *bufferyard* is required because of a zoning boundary, the property owner of the proposed *use* must provide all additional land and plant material needed to complete the full *bufferyard* required in 4-9-3 above: Where the abutting *use* was developed with half a required *bufferyard*, the property owner of the proposed *use* must provide the remaining half. Where the abutting *use* was developed with no *bufferyard*, the property owner of the proposed *use* is responsible for installing the entire *bufferyard*. However, existing plant material and/or land located on the improved property which meets the requirements of this section may be counted by the *Administrative Officer* as contributing to the total *bufferyard* that needs to be installed by the property owner of the proposed *use*.
- (c) The property owner of a proposed *use* required to provide a *bufferyard* may be exempted from providing all or a portion of the required *bufferyard* by recording a written agreement, approved by the *Administrative Officer*, that the adjacent property owner(s) will provide the remaining required portion.
- (d) The property owner will decide the exact placement of required plants.
- (e) In the event of *subdivision*, the subdivider shall install the required *bufferyard* as part of required public improvements.
- (f) The owner and/or possessor of a required *bufferyard* shall maintain it in accordance with the approved *site plan* or *subdivision* Construction Plans. Failure to do so is a violation of this ordinance as per 6-3-1-d below.

Section 10: This ordinance shall be in full force and effect from and after the date of passage.

ADOPTED AND PASSED BY THE BOARD OF COMMISSIONERS OF TIPPECANOE COUNTY, INDIANA THIS 4th DAY OF OCTOBER, 1999.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF TIPPECANOE

Yes

John L. Knochel, President

Yes

Ruth E. Shedd, Vice President

Yes

Kathleen Hudson, Member

ATTEST:

Robert A. Plantenga, Auditor